

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Before the Court is the Government's Motion to Reconsider Order Regarding Re-Test of Narcotics (ECF No. 171), in response to this Court's Order filed on October 13, 2011.

Counsel for the Government admits in its Motion that it does not object to the Defendant's request for a re-test of the controlled substances which were seized in this matter; however, since this matter could not be resolved by Stipulation of the parties, the Court hereby amends its Order filed on October 13, 2011 (ECF No. 170), as follows:

IT IS HEREBY ORDERED that in accordance with DEA Lab policies and procedures, the following requirements will be followed:

1. That no more than one (1) gram sample(s) be released. If less than 1 gram remains following analysis, then no more than $\frac{1}{2}$ of that remaining amount be released;

2. That the defense expert be licensed by DEA and provides proof of same, to include DEA registration number to possess controlled substances;

3. That the defense expert personally appears at the DEA Laboratory to receive the sample(s);

4. That the defense expert agrees that the use of DEA Laboratory facilities or

equipment for any testing or analysis of the drug sample(s) be prohibited;

5. That all parties appearing at the DEA Lab for re-weighing or retesting purposes bring and utilize their own equipment such as, but not limited to, gloves, safety glasses, laboratory jacket, and weighing device;

6. The re-analysis shall be completed within 14-days upon receipt of the sample(s);

7. Any sample(s) remaining after defense re-analysis be returned to the originating DEA laboratory within 5-days of the completion of the testing. If the sample(s) is/are completely consumed during the re-analysis, a letter documenting that fact shall be sent to the originating DEA laboratory.

DATED this 14th day of October, 2011.

Gloria M. Navarro
United States District Judge